



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

201206021

TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

APR 20 2010

T:EP: RA: A2

Re:

Company =

Dear

This letter is to inform you that your request for a waiver of the minimum funding standard for the Plan for the plan year ending February 28, 2009, has been denied.

In a letter dated March 11, 2010, you were informed that your request for a waiver of the minimum funding standard had been tentatively denied and were offered a conference of right in accordance with section 12.01 of Rev. Proc. 2010-4, 2010-1 I.R.B. 122. Our primary reason for the tentative denial was that the Pension Benefit Guaranty Corporation ("PBGC") had informed us that the assets of the Company had been liquidated as part of a bankruptcy filing and that the Plan was in the process of being terminated. Section 412(c)(1)(A) of the Code provides that, if an employer is unable to satisfy the minimum funding standard without experiencing a temporary substantial business hardship and application of the standard would be adverse to the interests of plan participant's in the aggregate, then the minimum funding standard for the plan year in question may be waived. Section 412(c)(2)(D) provides that one of the factors taken into account in determining temporary substantial business hardship is that it is reasonable to expect that the plan will be continued only if the waiver is granted. However, it is not reasonable to expect that the Plan will be continued only if your request for a waiver of the minimum funding standard for the Plan for the plan year ending February 28, 2009, is granted since the Plan is being terminated.

Our letter dated March 11, 2010, stated that if you did not contact us to schedule a conference within 21 days, we would finalize our ruling denying your request for a waiver of the minimum funding standard for the Plan for the plan year ending February 28, 2009. As of April 8, 2010, we have not heard from you or your authorized representative. Accordingly, your request for a waiver of the minimum funding standard for the Plan for the plan year ending February 28, 2009, has been denied.

This ruling is directed only to the taxpayer that requested it. Section 6110(k)(3) of the Code provides that it may not be used or cited by others as precedent.

We have sent a copy of this letter to the
and to the
assistance concerning this matter, please contact

If you require further
at

Sincerely yours,

A handwritten signature in black ink, appearing to read "Andrew E. Zuckerman", with a long horizontal flourish extending to the right.

Andrew E. Zuckerman, Director
Employee Plans Rulings & Agreements